**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**Criminal Writ Petition No.684 of 1999**

Chanakya Restaurant
(Bar & Permit Room)
through its proprietor
Devendra Babulal Rao ..Petitioner

Versus

The State of Maharashtra
& Others ..Respondent

Smt. Veena B Thadani for the petitioner

Mr.P.S.Hingorani APP for the state

**CORAM: S.B.MHASE &**
**S.R.SATHE, JJ.**

**DATE : 23rd August, 2005**

P.C.

1. Heard Smt.Thadani, learned Counsel for the petitioner and Mr.P.S.Hingorani, APP for the State. This matter was filed prior to the enactment of the Bombay Police Amendment Act, 2005. In view of the said amendment Act being brought into force with effect from 14.8.2005 the present petition does not survive. However, it is equally brought to our notice that the petition challenging the Constitutional Vires of the said Amendment Act is pending and it bears (Original Side) Writ Petition (L) No.2027 of 2005. Therefore, the learned Counsel made a prayer that presently this

matter may be disposed of as infructuous. However, the learned Counsel claims leave that in case the Writ Petition (L) No.2027 of 2005 is allowed, liberty be granted to file fresh petition on the same cause of action.

2. The learned Counsel for the state has no objection for granting such leave. Therefore, in view of the enactment of the Bombay Police Amendment act, 2005 the petition is disposed off as infructuous with a liberty to file fresh petition, if the Writ Petition (L) No.2027 of 2005 is allowed and the said Act is struck down.

3. Rule is discharged.

(S.R.Sathe, J.) (S.B.Mhase, J.)